

EXHIBIT 9

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May 16, 2024

Via E-mail (thomas.brooke@hklaw.com)

Thomas W. Brooke, Esq
HOLLAND & KNIGHT
800 17th Street, NW, Suite 1100
Washington, DC 20006

RE: HIGHLINE Trademark Infringement:
Your Ref.: 224425/2

Dear Tom:

Many thanks for your prompt response to our letter of May 2 to Vosa Spirits and various of its owners. We were hopeful your client's infringement was without knowledge of our client's rights in the HIGHLINE mark and would voluntarily discontinue their use of a nearly identical mark once put on notice of our registration. Indeed, our letter of May 2 was about as gentle as we get when notifying an infringer of preexisting rights of our clients. We are a bit surprised that your client is not willing to voluntarily discontinue their use of the infringing mark now that it is definitely on notice of our registration. For various reasons, we are hopeful your client will reconsider its position and thus avoid our need to go forward.

First, your client does not have priority. Because our client's HIGHLINE registration is based on an intent-to-use application filed on December 8, 2021, that date is our client's priority date. See 15 U.S.C. § 1057 (c). Thus, our client's priority date precedes your client's apparent first use date in March of 2023.

Second, please note our registration covers, among other things, "distilled spirits." Your client's HIGH LINE product is a vodka product. Vodka is a distilled spirit.

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Third, our registration is not limited to packaged straight liquors, it matters not that your client's product is a RTD product. Indeed, it is quite common for a liquor producer brand name to be used for both bottled straight liquor as well as for mixed drink products, such as the Jack Daniel's and Captain Morgan products shown here. Indeed, our client's use of the HIGHLINE mark is not limited to bottled straight liquor, our client also uses the mark for cocktails. See <https://highlinespirits.com/dexter/>



We remain steadfast in our conclusion your client's use of HIGH LINE in association with alcoholic beverages, including distilled spirits, product lines for which our client owns registration of the HIGHLINE mark, will inevitably risk creating an unlawful likelihood of consumer confusion that your client is affiliated with our client. Hopeful an amicable resolution remains possible, again we must request as follows:

1. That your client immediately cease and desist from any further use of the words HIGH LINE or any other confusingly similar wording in association with alcoholic beverages;
2. That your client proceed forthwith to recall any of their HIGH LINE product in the marketplace; and
3. That we receive written confirmation within ten (10) business days clearly confirming your client's compliance with the foregoing enumerated requests.

If such a resolution is not possible, we will shift to litigation mode. If the proposed amicable resolution is not agreeable, and if you have not already done so, please inform your clients of their litigation hold obligations, including their duty to preserve any communications, records, and other documentation within their possession or control at all relating to this dispute including, but not limited to, any such items relating to trademark searches and clearance, and including any communications, records, and other documentation in your client's possession or control relating to my client, its products or its owners.

To avoid further legal action, please so respond. Your cooperation will be appreciated.

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Very truly yours,

/s/ Jack A. Wheat

Jack A. Wheat

JAW/sjm